

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

MDL Case No. 2:15-MD-02641-DGC  
Civil Case No. 2:19-cv-02922-DGC

**SECOND AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES FOR  
INDIVIDUAL CLAIMS AND DEMAND  
FOR JURY TRIAL**

**FIRST AMENDED SHORT FORM COMPLAINT**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Dereck Phillips

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Stephanie Phillips

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Not Applicable

4. Plaintiffs/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Kentucky

5. Plaintiffs/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of injury:

Kentucky

6. Plaintiffs current state(s) [if more than one Plaintiff] of residence:

Kentucky

7. District Court and Division in which venue would be proper absent direct filing:

U.S. District Court in the Eastern District of Kentucky, Lexington Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C. R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

None

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express Vena Cava Filter

☐ G2® X Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☒ Denali® Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

December 1, 2015

## 12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability - Manufacturing Defect
- ☒ Count II: Strict Products Liability - Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability - Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence - Failure to Recall/Retrofit
- ☒ Count VII: Negligence - Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable (Kentucky) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): (please state the facts supporting this Count in the space immediately below)

## 13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of May, 2019.

Respectfully submitted,

By: /s/Sally R. Bage  
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I hereby certify that on this 29<sup>th</sup> day of May, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/Sally R. Bage  
Sally R. Bage